

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIAKI OGUCHI, ASAO SAITO, KATSUTOSHI MUKAIJIMA
and HIDEO NAKAMURA

Appeal No. 2000-0538
Application 08/762,131

ON BRIEF

Before KRASS, FLEMING, and GROSS, **Administrative Patent Judges**.

FLEMING, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 33 through 49. Amendment A entered on December 9, 1996 cancelled claims 2 through 26. Amendment B entered on December 9, 1996 cancelled claim 1. Amendment C entered on October 30, 1997 cancelled claims 28 through 32. Claim 27 is pending in the

application, but the Examiner has not made a final rejection of claim 27. Therefore, claims 33 through 49 are properly before us for our consideration.

The invention relates to a detachable battery pack to a portable computer. The battery pack extends along and is attached to a rear edge of the portable computer and rotates around a rotation axis. The battery pack is connected to the system body of the portable computer in a manner that it is pivotally supported on the rearmost portion of the system body by means of a hinge mechanism.

Independent claims 33 and 48 present in the application are reproduced as follows:

33. A portable computer comprising:

an electric connection provided at the rear side of the portable computer; and

a battery pack attached to a rear edge of the system body of the portable computer to extend along the rear edge for rotation of said system body about the axis of the battery pack,

wherein said battery pack can assume a first position where said rear side of the portable computer, provided with an electric connection, is covered with the battery pack and a second position where the rear side of the portable computer is exposed without being covered with the battery pack, and

the battery pack is designed so that it can be attached to and detached from the system body.

48. A portable computer comprising:

an electric connection provided at the rear side of the portable computer; and

a battery pack attached to a rear edge of the system body of the portable computer to extend along the rear edge for rotation about the axis of the battery pack,

wherein said system body has notches or cut-out portions at both of its rear end portions, the battery pack has protrusions protruding toward the system body at both of its ends, and

hinge structures are mounted between said notches or cut-out portions and said protrusions,

thus, said battery pack can rotate with respect to the system body within a range between a first position where said rear side of the portable computer, provided with an electric connection, is covered with the battery pack and a second position where the rear side of the portable computer is exposed without being covered with the battery pack,

and further the battery pack is designed so that it can be attached to and detached from the system body.

References

The reference relied on by the Examiner is as follows:

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| Leung | 5,293,300 | Mar. 8, 1994 |
|-------|-----------|--------------|

Rejections at Issue

Claims 33 through 49 stand rejected under 35 U.S.C. § 102 as being anticipated by Leung.

OPINION

After a careful review of the record before us, we do not agree with the Examiner that claims 33 through 49 are properly rejected under 35 U.S.C. § 102. Thus, we will not sustain the rejection of these claims for the reasons set forth *infra*.

On page 8 of the Appellants' brief, Appellants argue that independent claims 33 and 48 provide that the battery pack of the present invention can assume "a first position where said rear side of the portable computer, provided with an electrical connection, is covered with the battery pack." Appellants argue that the term "covered" is used by the Applicants to denote that the electrical connections of the rear side of the battery pack are not exposed. Appellants argue that the electrical connections are concealed and thus protected. On page 10 of the brief, Appellants quote the pertinent portion of claim 33 which is as follows:

wherein said battery pack can assume a first position where said rear side of the portable computer, provided with an electric connection, is covered with the battery pack and a second position where the rear side of the portable computer is exposed without being covered with the battery pack.

Appellants argue that Leung does not include this limitation.

Appellants argue that even assuming *arguendo* that Leung did show

an electrical connection, the electrical connection would not be covered (that is, concealed and protected) in the "first position". Appellants argue that this is because the battery pack as shown in figure 4 of Leung shows that the length of the arm members (20) necessary to use as a handle would eliminate any capability to conceal and protect the electrical connections. On page 14 of the brief, Appellants quote the pertinent portion of claim 48 and make the same argument which we just pointed out above.

On page 5 of the Examiner's answer, the Examiner responds to these arguments by stating that claims 33 and 48 do not claim the feature recited above. The Examiner argues that the language requires the rear side to be covered or not covered by the battery pack and not the electrical connections.

Upon our reading of the Appellants' claims 33 and 48, we find that the claims require two limitations which are argued by the Appellants. First, Appellants' claims 33 and 48 recite "said rear side of the portable computer, provided with an electric connection". Thus, all the claims before us require that the electrical connection is located on the rear side of the computer. The second limitation recited by claims 33 and 48 is "said battery pack can assume a first position where said rear

side of the computer, provided with an electrical connection is covered with the battery pack". Thus, all the claims before us require that the battery pack cover the electrical connection located on the rear side of the portable computer.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. **See In re King**, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and **Lindermann Mashinenfabrik GMBH v. American Hoist & Derrick Co.**, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Upon our review of Leung, Leung shows in figure 4 the battery pack (H) extending along the rear side (40) of the system body (B). We note that Leung shows in figure 1 that the rear side where the element 4 is marked contains no electrical connections. Furthermore, we note that Leung shows that the battery pack does not cover the electrical connection located on the rear side of the portable computer. Therefore, Leung does not teach all the limitations as recited in Appellants' claims 33 through 49.

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In view of the foregoing, we will not sustain the decision of the Examiner rejecting claims 33 through 49 under 35 U.S.C. 102. Accordingly, the decision of the Examiner is reversed.

REVERSED

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| ERROL A. KRASS |) | |
| Administrative Patent Judge |) | |
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| |) | BOARD OF PATENT |
| MICHAEL R. FLEMING |) | |
| Administrative Patent Judge |) | APPEALS AND |
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| |) | |
| ANITA PELLMAN GROSS |) | |
| Administrative Patent Judge |) | |

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MRF:pgg
Michael L. Crapenhof, Esq.
Hogan & Hartson, L.L.P.
Biltmore Tower
500 South Grand Avenue
Suite 1900
Los Angeles, CA 90071